IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1511 OF 2004
IN
INCOME TAX APPEAL (LOD) NO.551 OF 2004

Sangamner Bhag Sahakari Sakhar Karkhana Ltd. ..Appellant.

V/s.

The Dy. Commissioner of Income Tax & Anr. ..Respondents.

Mr.Bhushan V.Mahdik for appellant.

Mr.Ashok Kotangale for respondents.

CORAM : F.I.REBELLO AND R.V.MORE, JJ.

DATED : 3RD JULY, 2007.

P.C. :-

. Though in the Notice of Motion, it is set out that the delay was 306 days, the learned counsel for the appellant contends that in fact the delay is of 247 days. In the earlier affidavit in support of the Notice of Motion, it was set out that the appeal was not preferred as it was a Co-operative Society. The appellants were given another opportunity to file additional affidavit. The affidavit of one Shri Kailas Gopinath Warpe is filed 25thy June, 2007. It is pointed out that on similar issue of law, the appellant along with others had preferred an S.L.P. before the

Supreme Court. The office bearers of the appellant mistakenly believed that as the matter was before the Supreme Court, the present matter will also be covered under the Judgment to be passed in the S.L.P. It is in the light of that the appeal was not preferred in time by the apellant herein.

2. No reply has been filed contesting the said averments as made by the appellant herein. Considering the reasons stated above, there is sufficient cause shown and consequently, the delay is condoned. Motion is made absolute in terms of prayer clause (a). Office to register the appeal.

(F.I.REBELL0, J.)

(R.V.MORE, J.)